

Yeas—Senators Ball, Cole, Dillard, Evans, Franks, Henry, Pyle, Rawson, Swift and Word—10.

Nays—Senators Avinger, Dohoney, Fountain, Hall, King, Ruby, Saylor, Sayers, Shelley, Tendick and Tracy—11.

On motion of Senator Tracy the rules were further suspended, the bill read third time and passed by the following vote :

Yeas—Senators Avinger, Dohoney, Fountain, Franks, Hall, King, Ruby, Saylor, Sayers, Shelley, Tendick and Tracy—11.

Nays—Senators Ball, Cole, Dillard, Evans, Henry, Pyle, Rawson, Swift and Word—10.

Senator Fountain moved to reconsider the vote just taken, and to lay that motion on the table.

Senator Franks moved a call of the Senate.

On motion of Senator Dohoney the Senate adjourned to 9 o'clock A. M. next Monday.

SENATE CHAMBER,
AUSTIN, TEXAS, June 2, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Mr. Lovejoy.

On motion of Senator Avinger the reading of the journal of last Saturday was dispensed with.

By leave, Senator Fountain introduced a bill to be entitled "An act supplemental to and explanatory of an act entitled an act to provide for the printing of the general laws of the State in German and Spanish languages, passed at the present session of the Legislature."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 971, "An act making an appropriation for the *per diem* pay of the members and the *per diem* pay of the officers and employes of the Thirteenth Legislature."

House joint resolution No. 973, regarding diversion of a certain square in the city of Austin from the purpose for which it was dedicated.

On motion of Senator Swift, the rules were suspended to take up House bill No. 971, "An act making an appropriation for the *per diem* pay of the members and the *per diem* pay of the officers and employes of the Thirteenth Legislature."

The bill was read first time; rules suspended, read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Ford, Finlay, Fountain, Franks, Hall, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Nay—Senator Gaines—1.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills ask leave to report that they have examined and find correctly engrossed:

Senate bill No. 394, "An act for the relief of C. C. King."

Senate bill No. 396, "An act supplemental to an act entitled an act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same."

Senate bill No. 267, "An act to incorporate Tyler Chapter No. 24, Royal Arch Masons."

Senate bill No. 395, "An act to amend an act approved March 9, 1848, entitled an act concerning the forfeiture of certain neat cattle."

Senate bill No. 282, "An act to authorize the County Court of Menard county to levy and collect a special tax to build a court house and jail."

Senate bill No. 392, "An act to authorize the judge of the Thirty-third Judicial District to hold a special term of the District Court of McLennan county, for the trial of criminal cases."

Senate bill No. 350, "An act to incorporate the Columbus Engine and Hook and Ladder Company No. 1."

Senate bill No. 250, "An act to prevent the sale or gift of spirituous or intoxicating liquors within two miles of Concrete College."

Senate bill No. 278, "An act authorizing the County Court of Kendall county to have transcripts made of deeds, mortgages, judgments, etc., from records of the counties of Bexar, Comal and Blanco."

Senate bill No. 276, "An act to authorize the County Court of Kendall county to levy and collect a special tax to pay the outstanding debt of said county."

Senate bill No. 373, "An act to provide for the improvement of the navigation of the Trinity river, and to grant the aid of the State therefor."

Senate bill No. 372, "An act to amend an act to incorporate the town of Millican, Brazos county, approved March 13, 1871."

Senate bill No. 393, "An act to promote the construction of water works for the city of Galveston."

Senate bill No. 294, "An act to incorporate the Irish Immigration Aid and Colonization Association of the State of Texas."

G. T. RUBY, for Committee.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 791, "An act to promote the speedy construction of a canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof."

Senate bill No. 352, "An act amendatory of an act to amend an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved April 17, 1871," with an amendment by the House.

House bill No. 797, "An act to define the powers of the county courts of this State in relation to *ex officio* services of sheriffs and district clerks."

On motion of Senator Fountain, Senate bill No. 352, "An act amendatory of an act to amend an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved April 17, 1871," with an amendment by the House, was taken up.

On motion of Senator Fountain, the Senate adhered to its amendments.

The Chair then appointed a committee of conference to consider the disagreement between the two houses.

Senator Shelley introduced a bill to be entitled "An act making appropriation of all unexpended balances of appropriations for the support of the State for the fiscal year 1873, and for the fiscal year 1874."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Senator Baker called up House bill No. 969, "An act to create certain county offices and provide for the filling of the same." The bill was read second time.

Senator Baker moved to amend the bill as follows: After the words "county surveyor," in section one, line seven, insert the words, "who shall be a practical surveyor." Adopted.

The bill then passed to a third reading.

Senator Franks moved to indefinitely postpone the bill. Lost.

The bill was then read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Ford, Fountain, Gaines, Hall, King, Rawson, Randle, Saylor, Shelley, Swift, Tendick, Tracy and Word—18.

Nays—Senators Baker, Finlay, Franks and Ruby—4.

Senator King offered the following resolution, which was referred to the Committee on Printing:

Resolved, That the secretary of the Senate be required to make out a complete index to the unfinished business of the present session of the Senate, and file the same with the Secretary of State; to forward all the mail matter that comes for the Senators after adjournment, to their respective homes; to make out a complete index to the journal of the Senate, and to forward to each Senator a copy of the journal, and a copy each of the general and special laws passed by the present Legislature, and that he be continued in office for ninety days for said purpose after the adjournment.

Senator Fountain in the chair.

Senator Word called up House bill No. 939, "An act to amend article seven hundred and two of an act to establish a Code of Criminal Procedure for the State of Texas, approved August 20, 1856."

The bill was read second time and passed to a third reading; rules suspended, the bill read third time and passed.

Senator Avinger called up House bill No. 963, "An act to prescribe the time of the annual meeting of the Legislature."

Senator Dillard moved a call of the Senate. Call sustained.

Absent—Senators Broughton, Dohoney, Evans, Henry and Pyle.

The sergeant-at-arms was dispatched for the absent Senators.

Senator Baker called up House bill No. 844, "An act to authorize the County Court of Walker county to levy a special tax to repair the court house and jail in said county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Tendick called up House bill No. 956, "An act to provide for testing and purchasing of James G. G. Garrett his patent right improvement in insect destroyers."

The bill was read second time.

Senator Dillard moved to indefinitely postpone the bill.

Senator Sayers moved to lay that motion on the table. Carried.

The bill then passed to a third reading; rules suspended, bill read third time and passed by the following vote:

Yeas—Senators Baker, Cole, Finlay, Fountain, Franks, Hall, Pyle, Rawson, Randle, Ruby, Sayers, Saylor, Shelley, Tendick and Tracy—15.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Gaines, Swift and Word—7.

Senator Ball called up Senate bill No. 397, "An act to incorporate the Weatherford City Cotton and Wool Manufacturing Company."

The bill was read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Finlay, Fountain, Franks, Gaines, Hall, King, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—22.

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to report the following Senate bills, which they have examined and compared, to wit:

No. 66, "An act to dedicate to the use of Travis county certain lands in the city of Austin, on which to erect a court House and jail, and to enable said county to build the same."

No. 312, "An act for the relief of G. Hoffman."

No. 339, "An act to amend the thirty-third and three hundred and fourth sections of an act entitled an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

No. 340, "An act supplementary to and amendatory of an act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city, or amendatory thereof, approved April 15, 1873."

No. 385, "An act fixing the number of days the District Court of Leon county shall continue in session at its March term in each year."

No. 380, "An act to transfer certain causes pending in the District Court of Kaufman county to the District Court of Rockwall county."

And find the same correctly enrolled.

J. G. TRACY, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: On behalf of the Committee on Enrolled Bills, I did, on Saturday, May 31, at 5:15 o'clock, P. M., present to his Excellency the Governor, for his approval and signature, the following Senate bills, to-wit:

No. 370, "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the penitentiary of the State."

No. 380, "An act to amend section ten of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870."

No. 129, "An act to amend an act entitled an act to incorporate the German Casino of Columbus, Texas."

No. 310, "An act to confer additional jurisdiction on the presiding justices of Lamar and Fannin counties, and

to prescribe the powers and duties of the officers of said counties."

Substitute for House bill No. 441, "An act making appropriation for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874."

Senate joint resolution No. 45, "Joint resolution for the relief of Mrs. Belle Murray."

J. G. TRACY, Chairman *pro tem*.

Senator Broughton called up House bill No. 978, "An act authorizing the County Court of Cooke county to issue bonds for the purpose of funding the county indebtedness."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Ford introduced a bill to be entitled "An act to make an appropriation to pay the postage and traveling expenses of supervisors appointed under the act approved November 29, 1871."

The bill was read first time; rules suspended, read second time and ordered engrossed.

Senator Pyle introduced a bill to be entitled "An act to authorize the County Court of Ellis county to have records of deeds transcribed from the counties of Milam and Navarro, and to have the same recorded in Ellis county."

The bill was read first time and not referred.

Senator Finlay called up House bill No. 609, "An act requiring the Commissioner of the General Land Office to issue patents upon surveys therein mentioned."

The bill was read first time; rules suspended, read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Tendick, Tracy and Word—22.

Senator Dohoney called up House bill No. 531, "An act to authorize the Commissioner of the General Land Office to furnish photographic county maps to the several counties of the State."

The bill was read second time and passed to a third

reading; rules further suspended, read third time and passed.

Senator Franks called up Senate bill No. 200, "An act to authorize the County Court of Llano county to levy a special tax to build a court house and jail."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tracy and Word—20.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,

AUSTIN, June 2, 1873.

Hon. E. B. Pickett, President of the Senate of the State of Texas:

SIR: I herewith return to the Senate, where it originated, the act entitled "An act, for the relief of sureties upon official bonds."

This act affects every bonded officer of the State; it unsettles his tenure of office, and would simply render him subject to the behests and control of his sureties, totally destroying all independence of action on his part.

It contradicts the provisions of several general acts in relation to the bonds of officers and their force and effect, which have passed and become laws at this session. Among the rest "An act to regulate the assessment and collection of taxes," brought to me, and approved May thirty-first ult. This provides in section thirty-two that the sheriff's bond "shall extend to the faithful performance of his duties for the full term for which he was elected."

It is proper enough to allow the State power to demand additional bond from any of its bonded officers, but it is not safe to allow the sureties this opportunity to harrass their principal, and interfere at any moment with the continuety of service of the officer.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Senator Hall, the bill and veto message were taken up, and the bill passed, notwithstanding the objections of the Governor, by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dohoney, Finlay, Franks, Gaines, Hall, Henry, Sayers, Shelley, Swift, Tendick and Word—15.

Nays—Senators Fountain, Rawson, Randle, Ruby and Tracy—5.

The following message was received from His Excellency the Governor, which was read, and on motion of Senator Gaines, referred to a select committee, viz.: Senators Gaines, Hall and Shelley :

EXECUTIVE OFFICE, STATE OF TEXAS,)

AUSTIN, May 31, 1873. (

Hon. E. B. Pickett, President of the Senate of the State of Texas :

SIR: I return to the Senate, where it originated, the act entitled "An act to provide for the ascertainment and payment of the liabilities of the county of Washington."

This act assumes to organize, for certain purposes, within the county of Washington, a tribunal which is not known to the Constitution of the State, and not in accord with either its spirit or letter. It gives this tribunal very extensive authority touching certain property of citizens of the county, which may be used not only to damage the rights of those citizens, but to affect their character. The act is manifestly dangerous, and should not become a law. The regularly constituted courts of the county are in their powers amply sufficient to reach all the cases of improper conduct on the part of officers. In fact, with the aid of the grand and petit juries of the county, they are just as likely to right every wrong imaginable, without fear, favor or prejudice, as are the individuals mentioned in this act.

I might also notice the expense of this tribunal, which, without counting the clerk hire and other incidental expenses, will be fifteen dollars a day for an indefinite period. Clearly the finances of the county of Washington will not be benefitted by its establishment.

Very respectfully,

EDMUND J. DAVIS, Governor.

By leave, Senator Cole introduced a bill to be entitled "An act making an appropriation for postage, wood and contingent expenses for the educational department for the year ending August 31, 1874."

The bill was read first time; rules suspended, read second time.

Senator Sayers moved to amend the bill as follows: Amend by striking out in lines two and three, of section one, "twenty-five hundred dollars (\$2500)," and inserting "six hundred dollars (\$600.)" Also strike out the word "printing," in line five, of same section. Adopted.

The bill as amended was then ordered engrossed; rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Cole, Fountain, Franks, Gaines, Hall, Henry, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, and Tracy—16.

Nays—Senators Ball, Broughton, Dillard, Finlay and Word—5.

Senator Gaines called up bill No. 791, "An act to promote the speedy construction of a canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof."

Bill was read first time; rules suspended, read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Randle, Ruby, Sayers, Shelley, Swift, Tracy and Mr. President—21.

Nays—Senators Rawson and Word—2.

Senator Hall introduced a bill to be entitled "An act to provide for the employment and payment of attorneys to attend to certain suits instituted in the District Court of Travis county, under an act of the Legislature entitled an act to ascertain and adjudicate certain claims for land against the State, situated between the Nueces and Rio Grande rivers, approved August 15, 1870."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Ball, Broughton, Cole, Ford, Finlay, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Tendick and Tracy—17.

Nays—Senators Avinger, Dillard, Henry, Swift and Word—5.

Senator Henry called up House bill No. 937, "An act supplemental to and amendatory of an act to provide for prompt settlement of accounts by sheriffs with the State and counties, approved April 28, 1873."

The bill was read second time and passed to a third reading; rules suspended, the bill read third time and passed.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following, viz.:

Senate bill No. 391, "An act making an appropriation to carry into effect a joint resolution requiring the Commissioner of the General Land Office to make certain publications, passed March 14, 1873."

Senate bill No. 399, "An act to amend section five of an act entitled an act to authorize the holders of State warrants to surrender the same to the State Treasurer and receive State bonds in lieu thereof, passed during the present Legislature."

Senate bill No. 390, "An act making an appropriation for the Supreme Court."

HENRY C. KING, Chairman.

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: I, on behalf of your Committee on Enrolled Bills, would respectfully report that this day at 11 o'clock A. M. I presented to His Excellency the Governor, for his approval and signature, the following Senate bills, to-wit:

Senate bill No. 340, "An act supplementary to and amendatory of an act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city, or amendatory thereof, approved April 15, 1873."

Senate bill No. 380, "An act to transfer certain causes pending in the District Court of Kaufman county to the District Court of Rockwall county."

Senate bill No. 66, "An act to dedicate to the use of Travis county certain lands in the city of Austin, on which to erect a court house and jail, and to authorize said county to build the same."

Senate bill No. 385, "An act fixing the number of days the District Court of Leon county shall continue in session at its March term in each year."

Senate bill No. 339, "An act to amend the thirty-third

and three hundred and fourth sections of an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

Senate bill No. 312, "An act for the relief of G. Hoffman."

J. G. TRACY, Chairman *pro tem*.

Senator Finlay submitted the following report, which was adopted :

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIRS: Your conference committee, to whom was referred House bill No. 185, "An act defining the duties of the Comptroller," having considered the same, we are instructed to report it back with the recommendation that the Senate recede from its amendment.

GEO. P. FINLAY,

for the Senate.

W. A. SHAW,

for the House.

Senator Tendick introduced a bill to be entitled "An act supplemental to an act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874."

The bill was read first time; rules suspended, read second time, and ordered engrossed; rules further suspended, the bill read third time and passed.

Senator King called up House bill No. 586, "An act to incorporate the San Antonio and Austin Railroad Company."

The bill was read second time, and passed to a third reading; rules suspended, read third time, and the Senate refused to pass the bill by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Finlay, Henry, King, Pyle, Sayers, Shelley, Swift, Word and Mr. President—12.

Nays—Senators Dillard, Dohoney, Ford, Franks, Gaines, Hall, Rawson, Randle, Ruby, Tendick and Tracy—11.

The hour for the special order having arrived, viz., Senate "Joint resolution for the relief of James E. Slater," the same was taken up.

The resolution was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Fountain, Franks, Hall, King, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift, and Tendick—19.

Nays—Senators Rawson and Word—2.

A message was received from the House informing the Senate that the House had passed Senate bill No. 319, "An act for the relief of the heirs of James W. Dickson, deceased."

Also, that the House had adopted a concurrent resolution in regard to the payment of certain scholastic census takers.

Also, that the House had concurred in Senate amendments to the following House bills:

House bill No. 863, "An act to amend section three of an act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871."

House bill No. 970, "An act to prohibit the selling, bartering or giving away of alcoholic or other spirituous liquors within certain limits."

House bill No. 920, "An act to authorize the city of Austin to become a stockholder in any company or corporation for the purpose of supplying the city with water and gas."

House bill No. 972, "An act to extend the limits of Marion county so as to include a portion of Harrison county, and to define the boundary thereof."

House bill No. 969, "An act to create certain county offices, and provide for filling the same."

House bill No. 310, "An act to incorporate the city of San Antonio."

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed:

Senate bill No. 404, "An act supplemental to an act entitled an act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal

year beginning September 1, 1873, and ending August 31, 1874."

Senate bill No. 403, "An act making appropriation of all unexpended balances of appropriations for the support of the State government for the fiscal year 1873, and for the fiscal year 1874."

HENRY C. KING, Chairman.

Senator Tendick moved to reconsider the vote by which the Senate refused to pass House bill No. 586, "An act to incorporate the San Antonio and Austin Railroad Company."

On motion of Senator Baker, the Senate went into executive session.

Executive session arose.

In the Senate.

On motion of Senator Pyle, the Senate adjourned to 4 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment Roll called; quorum present.

A message was received from the House, informing the Senate that the House had passed the following bills:

House bill No. 935, "An act supplementary to an act regulating taxation, passed at the present session of the Legislature."

Senate bill No. 250, "An act to prevent the sale or gift of spirituous or intoxicating liquors within two miles of Concrete College."

Senate bill No. 373, "An act to provide for the improvement of the navigation of the Trinity river, and to grant the aid of the State therefor."

Senate bill No. 384, "An act to amend section one, article three, of an act to incorporate the city of Austin, approved April 5, 1873."

Senate bill No. 388, "An act making an appropriation to pay salaries of certain extra clerks in the Comptroller's and Treasurer's offices, appointed to serve during the session of the Thirteenth Legislature."

Senator Henry, chairman of select joint committee, submitted the following report:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIRS: Your select joint committee appointed to examine thoroughly into the condition of the office of the Comptroller of Public Accounts, and of the Treasurer of the State, and to whom was referred the message of the Governor relative thereto, ask leave to report as follows:

1. As to "whether there was any deficiency of funds in the treasury when Mr. Honey vacated the office, and the amount thereof," your committee find that there was a deficit in the funds in the treasury at the time of the seizure of the office by the order of the Governor; what the amount of that deficit was, is not so easily determined. Your committee employed three skilled accountants, who have made a full and complete statement of the condition of that office as shown from the books and papers, and which is hereto attached, marked exhibit "A," and made a part of this report.

Upon the recapitulation of this statement it will be seen that after giving Mr. Honey credit for all amounts claimed by him, including \$153,381.37 in warrants not entered on the cash book or canceled as required by law, which may or may not have been paid so far as any evidence in his office goes to show, there would still remain the amounts of \$55,734.39 currency, and \$5700 specie, standing against Mr. Honey. In offset to these amounts Mr. Honey claims a credit of \$28,896.13 currency, for amounts of sight drafts drawn by Bremond & Co., Austin, on B. A. Botts, President of the City Bank of Houston, found in the treasury, and which he claims were held by him as cash at the time of the seizure of his office, and of twenty-five frontier defense bonds of \$1000 each, at ninety cents, equal to \$22,500, and four United States five per cent. bonds with coupons, equal to \$2502.50.

These transactions are exceedingly irregular. If the drafts of a private party are allowed to lie in the cash drawer of the treasury while the money which they represent is in the hands of other parties, possibly at interest for the benefit of the Treasurer, there would seem to be no limit to the action of that officer, while as to the bonds mentioned, the law authorized the Treasurer to invest the sinking fund, as fast as it accrued, in United States interest-bearing bonds, or in the bonds issued under au-

thority of the law creating the frontier bonds. No other bonds were authorized to be purchased, and the sinking fund was alone allowed to be used. Your committee do not understand that there was or could under the law have been so large a sum as \$25,000 of the sinking fund in the treasury at the time of this investment applicable to the purchase of these bonds, and believe that this transaction was irregular to the extent that the investment was in excess of the sinking fund thus applicable, because Mr. Honey must have drawn upon other funds to make the purchase. If, however, these last credits be allowed, the amounts remaining outstanding against Mr. Honey would be \$1835.76 currency, and \$5700 gold.

Mr. Honey and his chief clerk Mr. Burns were more than once present and called upon to explain why these deficits existed; but at the close of the examination, after a close scrutiny of all the books, papers and accounts of the office, there does exist a deficit as above stated, and even this may be increased by a claim which has been made that there was \$2590 $\frac{32}{100}$ currency in the treasury, claimed to have been deposited there for safe keeping by the sheriff of Angelina county.

2. As to "whether or not the treasury has been used for shaving the State's warrants, and the extent of its use in that way," your committee have examined quite a number of witnesses, whose sworn statements are hereto attached and made a part of this report, to which, as well as to the evidence furnished by the condition of the office when vacated by Mr. Honey, as shown in the statement exhibit "A," your committee would refer without undertaking to express any conclusion.

3. As to "whether the accounts of the Treasurer have been regularly balanced by the Comptroller at the end of each quarter, as required by law," your committee feel no hesitancy in answering that the books of the Comptroller and Treasurer had not been properly balanced, as required by law, for a period extending over several quarters, and that the books of the Treasurer, Mr. Honey, especially, were in a state of the most reckless disorder.

4. As to "whether at any time there was collusion between the Comptroller, or any of his clerks, and the Treasurer, in regard to shaving warrants at the treasury," your committee have been unable to find any evidence which would enable them to answer in the affirmative.

5. As to "whether the Comptroller's office is competently managed, and whether the books and accounts therein are kept correctly, and in such manner as to show the true condition of the finances," a thorough examination of the books of the Comptroller's office by your committee develops the fact that they have never been properly balanced since the present incumbent entered upon the duties of his office, in 1870. We find that the books are kept in an inaccurate and confused manner, and in such reckless disregard of any system whatever, as to render any attempt to obtain from them a correct statement of the State finances extremely difficult, if not impossible.

6. As to "whether the Comptroller has duly paid into the treasury all moneys received by him from taxes and other sources, and belonging to the State," your committee would state that the main sources from which moneys are received by the Comptroller are out county and back taxes, and occupation taxes from insurance companies.

No accurate account of such transactions is kept by the Comptroller. His books only show gross sums received, aggregated at intervals. No statement is kept of the accounts of insurance companies paying in money, and we have been compelled to resort to such evidence as we could avail ourselves of to ascertain the amount of money received from this source, and it has not been possible for us to determine whether all, or how many, companies doing business in this State have paid the occupation tax; but it is evident from the information obtained by us that the Comptroller has not paid into the treasury all of the money received from this source, as may be seen by reference to the accompanying statement of accountants hereto attached and marked exhibit "B," as well as to the statement of some of the witnesses.

Of the moneys received by the Comptroller for out county and back taxes no account is kept, except statements of the aggregate amounts and the stubs of the receipts given to the persons paying the taxes. We have not found it practicable to make up his account from these stubs and verify the aggregate amounts, and hence are unable to report whether all the moneys received from this source have or have not been paid into the Treasury.

7. As to "whether the Comptroller has drawn money

from the treasury and permitted the same to be used for other purposes than as directed by law," your committee would state that there is no evidence before them that such is or has been the fact.

8. As to "whether the Comptroller or any of his clerks have profited by way of per centage retained on any contracts for work done for his office," your committee would refer to the statement of Governor Davis and the statements of Mr. Philips and others, hereto annexed.

In conclusion your committee would report that out of the great confusion existing in the accounts of the late Treasurer, Mr. Honey, they have, by great labor and the untiring exertions of the accountants, succeeded at last in arriving at something approaching order, but that to insure the State against great loss, or at least against the necessity of having this work all done over, the work of the committee should be completed, settlements made between the two offices, and the warrants and other evidences of indebtedness duly entered and canceled, and to this end your committee would recommend the adoption of the accompanying resolution.

JOHN L. HENRY,

A. J. BALL,

A. J. FOUNTAIN.

Senate Committee.

W. D. WOOD,

JOHN ADRIANCE,

House Committee.

Joint Resolution providing for the completion of the examination of the accounts of the Comptroller and Treasurer, and making an appropriation therefor.

SECTION 1. *Be it resolved by the Legislature of the State of Texas, That Senator A. J. Fountain, on the part of the Senate, and Representative John Adriance, on the part of the House of Representatives, as a committee of the Legislature, be and are hereby authorized and required to remain after the adjournment of the present session of the Legislature until the examination of the accounts of the Comptroller and Treasurer, the entering up and cancellation of all uncanceled warrants and coupons, and such other entries and settlements as may be necessary to the proper adjustment of the books and accounts of said offices, and the correct ascertaining of the actual condition of the finances of the State is completed. And said*

committee, or either of them, shall have the power to make a thorough examination of any or all of the books and papers in the Comptroller's or Treasurer's offices, and to continue the investigation of the condition of said offices by sending for witnesses, and books and papers, and to compel their attendance, and said committee may continue the services of the present clerk of the joint select committee, and of the accountants now employed, so long as they may deem it necessary, at a rate of compensation not more than now allowed. And said committee shall make a full report of their action, including all statements of the accountants, and all evidence taken by them, which shall be filed in the office of the Secretary of State for the use of the courts or the Legislature, in any proceedings now pending, or hereafter to be had in relation to the offices of the Comptroller or Treasurer.

And for the *per diem* pay of said committee, its clerk and the accountants, the certificates of the committee, or either of them, shall be sufficient vouchers to the Comptroller, and on which he shall issue his warrants on the Treasurer, who shall pay the same. And the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to pay the same, and that this joint resolution take effect and be in force from and after its passage.

[Exhibit A.]

REPORT OF THE ACCOUNTANTS.

Accountants' report as to the condition of the offices of A. Bledsoe, Comptroller of Public Accounts, and of the late State Treasurer, George W. Honey.

AUSTIN, TEXAS, May, 23, 1873.

To Senator J. L. Henry and Hon. W. D. Wood, Chairmen of the Senate and House Joint Investigating Committee, etc. :

GENTLEMEN: In compliance with your request, we herewith make our report as to the condition of the books and accounts as found in the offices of A. Bledsoe, Comptroller of Public Accounts, and of the late State Treasurer, George W. Honey, under the headings contained in the

message of His Excellency Edmund J. Davis, Governor of the State of Texas, to the Senate and House of Representatives of the State of Texas, dated March 5, 1873.

1. "Whether there was any deficiency of funds in the treasury when Mr. Honey vacated the office, and the amount thereof?"

We find, after having made a thorough examination of all the books and papers found in the treasury, belonging to the accounts of the late Treasurer, George W. Honey, and making a careful balance sheet of the same, after proper adjustment, that there exists a deficiency of \$23,703.35 in currency, and of \$5700 in specie, after giving him credit for all the cash reported to have been found in the treasury by the examining committee appointed by the Governor to take an inventory of the contents of the treasury at the time it was seized. Against this overdraft Mr. Honey claims a credit of \$28,896.13 currency for amounts of the two sight drafts drawn by Bremond & Co., Austin, on B. A. Botts, president of the City Bank of Houston—one dated January 12, 1872, for \$15,000, and one dated May 7, 1872, for \$13,896.13, as hereinafter mentioned.

We would state here, that in making up this cash account, we have charged Mr. Honey with the cash balance acknowledged by his own settlement with the Comptroller on May 31, 1871, as then being correct, and with the actual amounts of cash received by him on "deposit warrants" subsequent to that date, issued and charged to him by the Comptroller, which deposit warrants were found in the treasury, as well as entered in Mr. Honey's cash book; whereas, in giving him credit for cash payments we have been compelled to adopt the plan of crediting him with all the treasury warrants found in the treasury at the time it was seized, including those not entered on his cash book, excepting the following warrants, which, we are informed by Mr. Honey, and by Mr. John H. Burns (the chief clerk of Mr. Honey, who was in charge of the treasury at the time it was seized), were sent to the treasury for collection, and were never paid, viz:

No. 2635, dated January 5, 1872, to order of James Davidson, received from W. Jockush & Co., \$539.

No. 2735, dated January 5, 1872, to order of James Davidson, received from W. Jockush & Co., \$160.

No. 2772, dated January 6, 1872, to order of W. D. Carey, received from W. D. Carey, \$80.

No. 2854, dated January 19, 1872, to order of P. B. McCullar, received from Hobby & Post, \$50.

No. 2861, dated January 19, 1872, to order of R. N. Dickens, received from Hobby & Post, \$57.10.

Whether we have given Mr. Honey credit for any warrants which were never paid by him, we have no means of determining, as their being found in the treasury seems presumptive evidence that they were paid.

The total amount of these treasury warrants thus found not entered on the Treasurer's cash book is \$154,267.47. They number 445, and are all uncanceled by the check cutter and unstamped with date of payment; many also with pencil memoranda on back, indicating that they may have been purchased at a discount and paid in an irregular manner, and probably out of funds belonging to other appropriations than those for which these warrants were issued, as we find the State revenue accounts overdrawn \$57,436.57.

We cannot otherwise account for the fact that no portion of this large amount of \$154,267.47 is entered on the cash book, which appears written up to within a day or two of the time the treasury was seized.

We further find that there also exists a deficiency of \$32,031.04 currency in Mr. Honey's account with the Comptroller, between the aggregate amount of what he has drawn on requisitions for various purposes, hereinafter enumerated in detail, and the aggregate amount of all vouchers which he is entitled to file against these requisitions as having been paid out of the proceeds thereof, making the total amount of his deficiency due the State at the time the treasury was seized \$55,734.39 currency and \$5700 in specie.

In this connection we desire to state that we have had a careful examination made by Mr. Honey and by Mr. John H. Burns of all the papers and vouchers found by us in the treasury, and that we have given Mr. Honey credit for all these vouchers which the Comptroller is willing to receive against these requisitions, excepting the twenty-five frontier defense bonds and four United States five per cent. registered bonds, hereinafter mentioned, which we do not feel authorized to place to the credit of Mr. Honey, as we have found no recorded evidence as to how they

came to be in the treasury. Consequently we have every assurance that we have given Mr. Honey credit for all that he is justly or lawfully entitled to receive, except, perhaps, those bonds and the two sight drafts of Bremond & Co. previously mentioned.

2. "Whether or not the treasury had been used for shaving the State warrants, and the extent of its use in that way?"

In reply to this interrogation we have to say, that in our opinion there are indications of there having been extensive speculations made in purchasing State warrants at a discount, or at less than their face value, and then charging them to the State at their full value. We find a large number of such warrants, which appear to have been purchased at a discount, of outside parties, and not paid over the counter in the regular way. Many of these warrants are unstamped and uncanceled by the check cutter, and have pencil marks on the backs, indicating the rate of discount or price at which they were bought.

In addition to these facts, we find in a tin box, claimed by Mr. Honey to be his private box, several statements, giving the separate amounts of State warrants purchased, etc. In one instance, the first column shows the rate at which the warrants were purchased (from seventy to seventy-five cents on the dollar); the second column showing the amount paid for them, viz., \$5918.99; the third column showing the discount, or profit thereon, viz., \$1828.51; and the fourth column showing the face value of such warrants, viz., \$7747.50. In another instance, the discount or profit, on what seems to have been a purchase of State warrants, appears to be \$1052.73, which amount is subsequently divided by the figure three, giving a quotient of \$350.91, indicating that three parties shared in the transaction. In yet another instance, the discount or profit appears to have been \$2582.16—equivalent to twenty-five per cent. on the total full value of the warrants enumerated on the list, which is \$10,328.66.

Warrants corresponding to these amounts are found in this tin box, accompanying these memorandums and statements, which are uncanceled and unstamped, and many with pencil marks thereon, indicating the discount or rate at which they were purchased. We further find envelopes containing unstamped and uncanceled State warrants, and memorandums on the outside of such en-

velopes, apparently in the handwriting of Mr. Honey, stating that various sums of money were loaned to different parties on the within warrants, which were taken as collateral security. In other instances there are envelopes with memorandums thereon, stating that the full amounts of the warrants therein were paid to the holders of the warrants, which indicates that they were cashed when there were no funds in the treasury which could be legitimately used for that purpose. Whether such loans and such payments were made a source of profit to any one, we have no means of determining from the accounts. We further find an envelope marked "Vouchers found on file on the counter, May 27, 1872," containing a number of memorandums of various payments and loans to different parties, for which no warrants appear to have been ever issued. In addition to the above mentioned facts, we find a large number of warrants which have been credited to the account of the late Treasurer in his settlements with the Comptroller, having various irregularities, such as absence of the Treasurer's signature, some not properly endorsed, others without any endorsement whatever, although made payable to the order of certain parties specified in the body of the warrants, etc.

The books of the late Treasurer show conclusively that no correct general balances have been made by him with the Comptroller since May 31, 1871, and his cash book shows a transposition, on November 1, 1870, of \$2,380,035.12 to \$2,830,035.12 in carrying the footings forward of the total amount of "miscellaneous assets," such as bonds, Comptroller's certificates of indebtedness, etc., which difference of \$450,000 has never since been corrected up to May 27, 1872, the time his office was vacated, showing conclusively that since November 1, 1870, no attention was given to proving his cash book with corresponding accounts in other books containing his quarterly settlements, or with his miscellaneous assets in the treasury. In fact, we find in the vault twenty-five frontier defense bonds, bearing seven per cent. interest, payable in gold by attached coupons, and numbered 424 to 448 inclusive, of \$1000 each, issued under act approved August 5, 1870, and an envelope containing four United States five per cent. registered bonds, without coupons, amounting to \$2200 at par value, with a memorandum thereon stating that they were purchased at 113 $\frac{1}{2}$, lowest quotations, for

which \$2502.50 was paid. These bonds do not appear in any of the books of the late Treasurer, and we have no recorded evidence showing how they came to be in the treasury.

We further find an envelope containing various memorandums, among which are the following—whether they belong to Mr. Honey's public or private papers, we know not:

"AUSTIN, TEXAS, August 11, 1871.

"Received of Elder George W. Honey \$72.40 coin, on the order of Milton Wright.

(Signed)

"CHARLES MATERSON,
"ELIJAH NESBY,
"THOMAS KING,
"B. F. WILLIAMS."

Endorsed underneath as follows:

"August 14.—Borrowed of this fund to pay freight on Methodist Episcopal Church lumber, and which I am to replace with other funds, \$75.

(Signed)

"G. W. HONEY."

Also the following:

"Six hundred dollars gold, to be replaced, for J. R. Cole.

(Signed)

"G. W. HONEY."

Also the following:

"Fifty dollars currency, \$190 gold, to Horton; \$500 currency, \$200 gold, taken January 19, 1872."

Also the following:

"Due this package for me, \$154.68.

(Signed)

"J. H. BURNS."

Also the following:

"Fifteen thousand dollars currency.—Bremond & Co., dealers in exchange. Austin, Texas, January 12, 1872. At sight pay to the order of George W. Honey fifteen thousand currency dollars.

(Signed)

"BREMOND & CO.

"To B. A. BORTS, President of the City Bank, Houston, Texas."

Also the following:

"Thirteen thousand eight hundred and ninety-six dollars and thirteen cents currency.—Bremond & Co., dealers in exchange. Austin, Texas, May 7, 1872. At sight pay to the order of George W. Honey thirteen thousand eight

hundred and ninety-six dollars and thirteen cents currency. (Signed)

"E. BREMOND.

"Per EGGLESTON."

"To B. A. BOTTS, President of the City Bank, Houston, Texas."

Accompanying the above copies of drafts is the following, viz.:

"OFFICE OF COMPTROLLER PUBLIC ACCOUNTS.

"The twenty seventh of May, 1872, John H. Burns brought a package of papers to the Comptroller's office, with the request that they be kept until called for. Among these papers was a draft for \$13,896.13 currency, drawn by Eugene Bremond on B. A. Botts, president of the City Bank, Houston, Texas, in favor of George W. Honey, dated May 7, 1872.

"Witness our hands the day and the year first above written.

(Signed)

"ELBRIDGE PERRY,

"JAMES W. HANCOCK."

It thus appears that all of the above "memorandums" relate to loans made to various parties therein named, and that the draft of \$13,896.13 was not in the treasury at the time it was seized.

We have to further report great negligence in his method of keeping the books; but few, if any, entries have been made in the journal and ledger since May 31, 1871, and there are great errors and confusion in all of the "accounts," which have made it a very tedious and troublesome task to arrive at correct results.

3. "Whether the accounts of the treasury have been regularly balanced by the Comptroller at the end of each quarter, as required by law? (Article 5432, Paschal's Digest.)"

There has been no settlement between the Comptroller and the late Treasurer since May 31, 1871, as shown by the books of the late Treasurer, Mr. Honey, that date being the last date of any balance sheet acknowledged or signed by the Comptroller.

4. "Whether at any time there was collusion between the Comptroller, or any of his clerks, and the Treasurer, in regard to shaving warrants at the treasury?"

As yet, the only matters we have discovered that may evidence this character of transaction, are the following:

We find an envelope marked "W. C. P., cash" (the ini-

tials of the chief clerk of the Comptroller), containing three unstamped and uncanceled State warrants, as follows:

No. 3273, Treasury warrant, dated February 15, 1872, to order of A. B. Palm, \$2000.

No. 3274, Treasury warrant, dated February 15, 1872, to order of A. B. Palm, \$2000.

No. 3275, Treasury warrant, dated February 15, 1872, to order of A. B. Palm, \$2082.16.

Apparently showing that they may have been paid in an irregular manner, when there was not sufficient funds in the treasury which could be legitimately used for that purpose, as they were not entered up in the cash book as being paid, but remain unstamped and uncanceled.

We also find an envelope endorsed outside, "S. B. Reid to transfer W. C. Philips, act Legislature," containing within a contract, as follows:

"For value received, I bargain, sell, release and convey to W. C. Philips the one-half of the amount that shall be allowed me by the Auditorial Board, by virtue of a law passed by the Legislature, and approved April 26, 1871, providing for the payment, and for and on account of rock furnished for the construction of the State Lunatic Asylum.

"Witness my hand and seal, this twenty-third day of May, A. D. 1871.

(Signed)

"S. B. REID. [SEAL]

"Attest:

"ELBRIDGE PERRY.

"MAX MAAS."

In this connection, we find a certificate issued to S. B. Reid, by the Auditorial Board, reading as follows, in printed form:

"No. 5.—\$2600 PRINCIPAL, \$— INTEREST.—*Public Debt of the State of Texas.*—This is to certify that S. B. Reid has, under the provisions of an act of the Legislature of the State of Texas, approved May 2, 1871, filed with the Auditorial Board a claim for quarrying rock for Lunatic Asylum, etc. (extra pay), amounting to twenty-six hundred dollars, the interest on which, at the rate of . . . per cent. per annum, up to the first of October, 1871, amounts to . . . dollars, which claim is considered by the board to be a just and valid claim against the State, and will be paid in accordance with the provisions of the above recited act.

"In testimony whereof, we have hereunto set our hands, at Austin, this fourteenth day of September, 1871.

(Signed) "WM. ALEXANDER, Attorney General.

"A. BLEDSOE, Comptroller.

"GEO. W. HONEY, Treasurer.

"Attest: JOHN M. SWISHER, Auditing Clerk.

"Approved.

"EDMUND J. DAVIS, Governor."

Endorsed on back of the above certificate as follows,

viz.:

"Austin, April 9, 1872.—Received on within five bonds of \$500 each, Nos. 1, 2, 3, 4 and 5.

(Signed)

"S. B. REID.

"\$1300. (Signed) S. B. REID.

"\$1300. (Signed) W. C. PHILIPS."

We further find a memorandum book showing the accounts of George W. Honey in account with J. Brown, tax clerk, in which are entered sums of cash left by the tax clerk at various dates and intervals with George W. Honey, which are not deposited in the treasury by deposit warrant to the credit of any account until several months thereafter.

5. "Whether the Comptroller's office is competently managed, and whether the books therein are kept correctly, and in such manner as to show the true condition of the finances."

In regard to "whether the Comptroller's office is competently managed" or not, your honorable body can best draw your own conclusions from the facts herein presented. We find the books very imperfectly kept, and not in such a manner as to show the true condition of the finances of the State.

It is impossible, in the limited time at our command, to enter into full details of the various errors and imperfections in the method of keeping such books, but we will instance a few to illustrate: First—No final settlement has been made with the late Treasurer, George W. Honey, since May 31, 1871. Several attempts have been made at the end of each succeeding quarter (terminating August 31 and November 30, 1871, and February 29, 1872) to balance the books of the Comptroller by the statements of Mr. Honey, but discrepancies to a large amount exist, caused by errors and want of proper adjustment between the books of the respective offices. In the

quarter ending February 29, 1872, we find George W. Honey credited in "State revenue account," by disbursements for that quarter, \$314,484.16, whereas he should have received credit for only \$275,801.72, which was the total amount of pay warrants for "State revenue account" paid that quarter, thus showing a difference of \$38,682.44 more than Mr. Honey was entitled to, and a balance that much less than should appear to credit of "State revenue account." This error was no doubt occasioned by making the entries from statements furnished from the treasury office, which were wrong, instead of proving his work by adding up the amounts of the pay warrants for that quarter, which should have been done, and which would have instantly detected this error. Had these differences been adjusted at the proper time, much of the present confusion in the respective offices would have been avoided. Second—Again, we find that since the year 1869 the former system (which was correct) of charging the sheriffs and collectors of taxes with the amounts of "assessment rolls" for taxes, as soon as completed, has been abandoned, and the plan has been adopted of crediting all moneys, when received from each sheriff or collector, to their accounts, but not charging the amount of assessment rolls delivered to them to collect, until their final settlement, which frequently was never made.

The result is, that most of the sheriffs and collectors of taxes appear to have a large balance due to them by the State, standing to their credit on the books in the Comptroller's office, whereas the facts are, that all are indebted to the State until their final settlement is made. Take, for instance, the account of Mr. A. B. Hall, sheriff of Harris county. He appears credited with \$56,627.52 for amounts deposited by him with the Comptroller, on account of taxes collected for the years 1870, 1871 and 1872, while no charges whatever for taxes or amounts of assessment rolls have ever been made against him since his account was opened, and he appears to have never made a settlement for any of these years. The total amounts credited to the various assessors and collectors, and sheriffs of Harris county alone, since February 25, 1868, is \$133,148.61, against which no debits or charges have been ever made. This is not an exceptional case, as a large number of the assessors' and collectors' and sheriffs' accounts show balances to their credit without any debts being charged to

them. The strange anomaly therefore appears, that while in many instances suits have been instituted against many of the assessors and collectors and sheriffs to recover collections made by them for taxes, which they have failed to pay in to the Comptroller, yet the books of the Comptroller actually show that the State is owing these very men against whom suits are now pending. Third—The same state of affairs as those to which we have just alluded, appears in the accounts of A. Bledsoe, Comptroller, wherein he is credited with all moneys deposited by him in the State treasury for various taxes and fees paid in to his office by private individuals, while corresponding entries have never been fully charged against his account, thus showing the State indebted to him in the sum of \$57,633.03, whereas, if the books had been properly kept, this account should always balance, as he should be debited with the amount of taxes or fees paid into his office, at the same time the money is credited to him. Fourth—Another important matter is the fact, that no record whatever appears to have been kept of the names of the various insurance and perhaps some other incorporated companies, who have paid in direct to the Comptroller's office their occupation taxes, thus making it impossible to ascertain how many of such companies have failed to pay such taxes, or to find out the dates when those companies who have paid should renew their payments. These payments are all made direct to the Comptroller, and should aggregate to a large sum during the year, and should be kept separate and distinct from all other accounts. By this omission many no doubt escape the payment of their occupation taxes. Fifth—We further find that no closing entries have been made at the end of each fiscal year (as was formerly done) since August 31, 1868, consequently since that period no "general balances" have been made, thus making it impossible to ascertain the facts in relation to the general accounts, or to prove the correctness of the entries and postings in the "general ledger." Sixth—In consequence of not having sufficient time to make an investigation in the affairs of the tax office, connected with the Comptroller's department, we have only compared the "assessment rolls" of one county ("Anderson," the first and only one we examined), for the years 1869 and 1870, with the settlements made by the sheriff of that county for those years, and

we find that a supplemental "assessment roll," January 21, 1870, appears to have never been charged by the Comptroller to that sheriff's account, consequently the sheriff could not have made any returns for the taxes he collected under this "assessment roll." There may be many similar omissions or errors in the remaining "assessment rolls," as no clue exists in the Comptroller's office by which such omissions could ever be detected. Had the former plan been retained, of charging the amounts of all "assessment rolls" directly to the sheriffs' accounts as soon as they were examined and corrected, such oversights would be avoided, and each sheriff's account would show the correct amount of his entire indebtedness to the State. Seventh—We find considerable of the work in the Comptroller's office behind, and as an instance, would mention that the taxes for 1871, due other counties, have not yet been apportioned.

6. "Whether the Comptroller has duly paid into the treasury all moneys received by him from taxes, and other sources, and belonging to the State?"

We have not had sufficient time to properly examine the papers and vouchers filed in his office, which might enable us to intelligently answer this query; but, so far as we have examined the books of the Comptroller, we find no evidence in those books that he has failed to pay into the treasury all moneys received by him. Whether he has "duly" paid them into the treasury or not, your honorable body can best determine from these facts, viz.: We find that no moneys whatever which were paid in to the Comptroller by private individuals for State taxes, out county taxes, county road and bridge tax, county, road, bridge and district school tax, interest and sinking fund on frontier bonds, between the dates of December 1, 1871, and September 7, 1872, a period of over nine months, were deposited during this interval in the treasury, until the latter date, although during this time the sums paid in accumulated to the amount of \$13,104.18. We further find that no occupation taxes paid in to the Comptroller by insurance companies, between the dates of April 2 and August 28, 1872, a period of nearly five months, were deposited by him in the treasury until on the latter date, when a deposit was made of \$2865.63, under the head of occupation taxes from "miscellaneous insurance companies," no record whatever being kept to show the names

of the companies who had made such payments. Of course, if any amounts for occupation or other taxes have been paid in to the Comptroller beyond what he appears to have paid into the treasury, we have no means of ascertaining the fact from his books, but would refer to our supplemental report on insurance matters.

7. "Whether the Comptroller has drawn money from the treasury, and permitted the same to be used for other purposes than as directed by law."

We have not had sufficient time to properly examine the vouchers filed in the office of the Comptroller, and therefore do not feel warranted in expressing any opinion on this subject.

8. "Whether the Comptroller or any of his clerks have profited by way of per centage retained on any contracts for work done for his office."

This is a matter which we have no means of ascertaining from any records found in the Comptroller's office, and we therefore consider it not in our province to enter into an investigation of this subject.

In conclusion we would respectfully state, in answer to your request, that we would inform you what further steps we consider necessary to be taken to properly adjust the accounts of the late Treasurer and those of the Comptroller, that we deem it a matter of great importance to the State that the cash book and quarterly statement book of the late Treasurer be written up to May 27, 1872, and balances brought down to that date, in order that his books may be made to correspond with those of the Comptroller, which will also require corresponding entries and corrections to be made therein.

It is also important that the vouchers previously mentioned herein, which Mr. Honey is entitled to file against his requisitions, should be turned over to the Comptroller, in order that they may be credited to him against his requisitions, and be on file in the Comptroller's office, where they properly belong.

We deem it proper to here state that we have found in the treasury among Mr. Honey's papers the following treasury warrants, deposited there by the Governor for safe keeping, and receipted for by Mr. Honey as follows:

"AUSTIN, TEXAS, December 30, 1871.

"Received of his Excellency E. J. Davis, Governor, the within warrants for safe keeping in the vaults of this office.

(Signed) "GEO. W. HONEY, State Treasurer."

We are informed that these warrants were received by the Governor from the following named parties, in payment of ten per cent. deficiency revenue currency bonds issued under act approved May 19, 1871, viz.:

From Eugene Bremond, 37 warrants, amount-		
ing to.....	\$33,974	95
From Eugene Bremond, currency to balance..	225	05
	<hr/>	
	\$34,200	00
In payment of 36 bonds sold to him at 95 cents.	34,200	00
	<hr/>	
From B. M. Odom, 140 warrants,		
amounting to.....	\$31,360	66—
In payment of 33 bonds sold to		\$31,360
him at 95 cents.....	31,350	00
Amount remitted to the State by		
B. M. Odom.....	10	66—
		31,360
	<hr/>	
From Sampson & Henricks, 63 warrants		
amounting to.....	\$14,249	49
From Sampson & Henricks, currency to balance.		51
	<hr/>	
	\$14,250	00
In payment of 15 bonds sold to them at 95		
cents	14,250	00
	<hr/>	
From Raymond & Whitis, 233 warrants,		
amounting to.....	\$44,999	04
From Raymond & Whitis, currency to bal-		
ance.....		96
	<hr/>	
	\$45,000	00
In payment of 50 bonds sold to them at 90		
cents	45,000	00
	<hr/>	
From Wm. H. Sinclair, 16 warrants, amount-		
ing to.....	\$2,849	33
From Wm. H. Sinclair, currency to balance..		67
	<hr/>	
	\$2,850	00
In payment of three bonds sold to him at 95		
cents	2,850	00
	<hr/>	

Total number of treasury warrants 489,
amounting with currency to.....\$127,660 66
Total number of bonds delivered, 137,
amounting with currency to.....\$127,660 66

We deem it a matter of importance to the State that the above mentioned transactions should be adjusted, as we understand from the tenor of the Governor's communication to the late Treasurer, accompanying these warrants, that the Comptroller has refused to recognize these sales of bonds for treasury warrants, notwithstanding the fact that what appears to have been a precisely similar transaction with Messrs. Schuyler, Hartley & Graham, of New York, amounting to \$29,757.58, was recognized by the Comptroller, as we find the warrants received from them in payment thereof entered in the cash book of the late Treasurer to his credit, and the proceeds of the bonds deposited by the Comptroller in the treasury.

We therefore recommend that all uncanceled and unstamped treasury warrants and uncanceled coupons, etc., may be canceled and charged up in order that they may not be again used in case any irresponsible parties should obtain possession of the same. So long as they remain in their present condition, the books of the Treasurer and Comptroller cannot show the actual condition of the finances of the State.

Very respectfully,

C. R. HUGHES,
LOUIS T. VALENTINE,
C. H. RANDOLPH.

Recapitulation of the accountants' report, so far as relates to the deficiency in the accounts of the late Treasurer, Geo. W. Honey, on May 27, 1872.

1872.	Currency.	Specie.
May 27.—To deficiency in the treasury in currency.....	\$23,703 35	
May 27.—To deficiency in the treasury in specie.....		\$5,700
May 27.—To deficiency on requisitions in currency.....	32,031 04	
Total amount of deficiency.....	\$55,734 39	\$5,700

Against which Mr. George W. Honey claims the following credits, viz.:

Sight draft of Bremond & Co. on B. A. Botts, president of the City Bank of Houston, Texas, dated January 12, 1872, amounting to.....	\$15,000 00
One draft, dated May 7, 1872, amounting to	13,896 13
Amount paid for twenty-five frontier defense bonds of \$1000 each, at ninety cents, purchased of Raymond & Whitis.....	22,500 00
Amount paid for four United States five per cent. registered bonds, without coupons, par value \$2200, purchased at 113 $\frac{3}{4}$ per cent....	2,502 50
	<hr/>
	\$53,898 63

Which would leave a deficit in currency of.... 1,835 76
And in specie of 5,700 00

In connection with this statement, we deem it proper to add that a claim has been made by W. C. Philips, chief clerk of the Comptroller, dated February 1, 1873, stating that he deposited with Mr. Honey, in the treasury, for safe keeping, a sealed package said to contain \$2590.32 currency, as belonging to the sheriff of Angelina county, to be held until called for, which package Mr. Philips claims to have never been taken from the treasury. The contents may have been counted amongst the funds found therein at the time of the seizure of the treasury, and may, therefore, be chargeable to Mr. Honey, making his deficit that amount greater.

C. R. HUGHES.
C. H. RANDOLPH,
LOUIS T. VALENTINE.

AUSTIN, TEXAS, May 23, 1873.

[Exhibit B.]

SUPPLEMENTAL STATEMENT BY ACCOUNTANTS.

Report as to the amount of occupation taxes paid in to A. Bledsoe, Comptroller of Public Accounts, by the various insurance companies doing business in this State, from April 22, 1871, to April 22, 1873, and the total amount of same deposited by the Comptroller in the State Treasury during the same period.

AUSTIN, TEXAS, May 30, 1873.

To Senator J. L. Henry and Hon. W. D. Wood, chairmen of the joint investigating committee appointed by the Legislature of the State of Texas to examine into the condition of the offices of the Comptroller of Public Accounts, and of the late Treasurer, George W. Honey:

GENTLEMEN: In compliance with your request we respectfully submit the following report as to the facts relating to the occupation taxes paid in to the Comptroller of Public Accounts by the various insurance companies doing business in this State since April 22, 1871.

We find, after having made a very careful compilation from the entries found in the books in the offices of the Comptroller and Treasurer, and from the deposit warrants and original receipts issued by the Comptroller, or certified copies of receipts received from the various agents of the insurance companies, that, so far as reported, there appears to have been paid to the Comptroller the sum of \$25,033.21, from April 22, 1871, to April 22, 1873, by these insurance companies for occupation taxes; whereas, during the same period, the Comptroller has deposited in the treasury only \$22,411.94, leaving a deficiency of at least \$2621.27 not paid in the treasury and not otherwise accounted for, so far as we can ascertain.

In addition to this deficiency we have made a careful schedule (accompanying this report) of the amount of occupation taxes due by the various insurance companies on April 22, 1873, and not yet reported to us as having been paid (as we have not had time to obtain full returns from all parts of the State), amounting to \$17,325, the most of which is owing by substantial insurance companies, and may have been paid to the Comptroller to a

considerable amount without our having, as yet, sufficient evidence of the fact to warrant our including any portion of it in our "statement of the amounts actually paid in," on which our report of the deficiency is based; consequently, if it is hereafter ascertained that any portion of this \$17,325 has been paid in to the Comptroller, previous to April 22, 1873, it will, of course, increase the deficiency to just that much more in amount.

In this connection we deem it proper to here insert a copy of a claim made by W. C. Philips, chief clerk of the Comptroller, as follows:

"OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS, }
"AUSTIN, February 1, 1873. }

"Some time previous to the departure of the Hon George W. Honey for the North (in the Spring of 1872), the sheriff of Angelina county left the sum of about \$2600 in the Comptroller's office, which could not be deposited, because he had not the data necessary, and returned home to get proper information. The money was placed in the treasury for safe keeping until said information was furnished. The sheriff did not return until Dr. Graham was placed in charge of the office; and as he (Graham) refused to make any settlement of Treasurer Honey's affairs, and it being necessary to settle with said sheriff, the amount was taken from insurance money accumulated during the time the treasury was closed, for the reason that the deposit warrant clerk had mislaid the memoranda containing the names of said insurance companies, and it was supposed at the time that a settlement could be had with the Treasurer in a short time, and the said memoranda found and placed on proper warrant.

"The funds received from the said sheriff and insurance companies are in the State treasury, and the State has the full benefit of said funds. The irregularity is in the deposit of one fund for account of another fund temporarily, but not to the detriment of the State. A statement of the State Treasurer is attached to this statement marked "A," acknowledging the receipt of the money.

"The protracted failure of the courts to decide as to who is Treasurer of the State, makes it necessary that this explanation should be made of the reason why a proper deposit warrant is not in hand for all moneys re-

ceived at the Comptroller's office and placed in the treasury of the State.

"Witness our hands and seals, this February 1, 1873.
(Signed) "W. C. PHILIPS, Chief Clerk. [SEAL]

"The exact amount, \$2590.32.

"JAMES W. HANCOCK, Book-keeper.

"ELBRIDGE PERRY, Corresponding Clerk."

[A.]

"AUSTIN, July 1, A. D. 1872.

"To all whom it may concern:

"This certifies that previous to my departure for New York, in April last, the Comptroller of Public Accounts left with me in the office of State Treasurer a package of money which he said contained between \$2000 and \$3000 currency, for safe keeping, as at that time he was unable to make the proper deposit warrants to deposit regularly. When I left the office said package was there, and never has been withdrawn to my knowledge.

(Signed)

"GEORGE W. HONEY,

"State Treasurer."

In regard to this we can only state, that no such sealed package as above referred to was found by us in the vaults or safes of the treasury during our investigation into the affairs of the late Treasurer, George W. Honey. Neither have we been able to ascertain that any such package was found by the examining committee appointed by the Governor to take an inventory of the contents of the treasury at the time it was seized. But if such package and contents was there at that time, and the examining committee broke it open and counted it with the other assets of Mr. Honey, then the deficiency reported by us in our former report against the late Treasurer, George W. Honey, will be increased just that much more, viz., \$2590.32, claimed by the Comptroller.

In making up the statement of amounts of occupation taxes paid in by the insurance companies, we find in many instances that a less amount is deposited in the State treasury by deposit warrant than appears to have been paid by the insurance companies, and acknowledged to have been received by the Comptroller in his certificate or receipt to the same companies; for instance:

Ætna Fire and Marine Insurance Company, 1871, Comptroller's receipt, June 9, 1871, \$195.11; deposit warrant, June 30, 1871, \$173.70.

Andes Fire and Marine Insurance Company, 1871, Comptroller's receipt, June 9, 1871, \$199.61; deposit warrant, June 30, 1871, \$173.70.

Georgia Home Fire Insurance Company, 1871, Comptroller's receipt, July 20, 1871, \$166.72; deposit warrant, July 20, 1871, \$109.38.

Life Insurance Company of Nashville, 1871, Comptroller's receipt, July 11, 1871, \$387.22; deposit warrant, July 12, 1871, \$362.35.

Southern Life Insurance Company of Memphis, 1871, Comptroller's receipt, July 11, 1871, \$390.97; deposit warrant, August 5, 1871, \$372.23.

In a few instances these discrepancies may be occasioned by the Comptroller not including in the "deposit warrant" the "office fees" paid to him for issuing the "certificates," but in other cases the discrepancies are not thus occasioned, but by depositing to "State revenue" and "interest and sinking fund" accounts a less amount than the Comptroller acknowledge to have received in his receipts, to the credit of these same accounts from the insurance companies.

We further find that the occupation taxes paid in to the Comptroller by insurance companies are in many instances not deposited by him in the State treasury, until a considerable time after having received the same. In one instance we notice an amount of \$2899.38, paid in to him between the dates of April 2, 1872, and August 28, 1872, was not deposited in the treasury until on the latter date. In another instance an amount of \$1591.50, paid in to him on January 3, 1873, was not deposited in the treasury until March 7, 1873, at which date the sum of \$1575 was deposited.

We also deem it proper to here state that great negligence exists in not giving, in many instances, proper credits to the "interest and sinking fund," for the amounts paid in to that account by the insurance companies. We find, in making up our statement, that the sum of \$202.81 has been deposited by the Comptroller to the credit of the "State revenue," which should properly have gone to the credit of "interest and sinking fund" account, inasmuch as it was an extra tax of five per cent.

on the "occupation tax," for State revenue, levied by the Comptroller for the "interest and sinking fund," and paid by the insurance companies expressly for that purpose, as stated in their "certificates," issued by the Comptroller.

We deem it a matter of importance to the State that the delinquent insurance companies, who appear to be in arrears for "occupation taxes" to the amount of \$17,325, or thereabouts, and are consequently doing business without license, should be notified to renew their license, as unless the same are collected promptly in advance, they may, at any time, discontinue business, or withdraw from the State, and thus evade the payment of their just dues.

LOUIS T. VALENTINE.

On motion of Senator Henry, the rules were suspended to take up the joint resolution just reported by the select joint committee, viz., "Joint resolution providing for the completion of the examination of the accounts of the Comptroller and Treasurer, and making an appropriation therefor."

The joint resolution was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Ford, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Randle, Saylor, Sayers, Shelley, Tracy, Word and Mr. President—19.

Nays—Senators Finlay and Swift—2.

Senator Sayers moved that one hundred copies of the report of the joint select committee appointed to investigate the Comptroller's and Treasurer's offices be printed. Carried.

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to report that they have examined and compared the following Senate bills, to-wit:

Senate bill No. 360, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman."

Senate bill No. 277, "An act to authorize the County Court of Mason county to issue interest-bearing bonds to pay the present outstanding indebtedness of said county."

Senate bill No. 210, "An act to change the line between the counties of Burnet and Lampasas."

Senate bill No. 402, "An act supplementary to and explanatory of an act entitled an act to provide for the printing of the General Laws of the State in the German and Spanish languages, passed at the present session of the Legislature."

And find the same correctly enrolled.

J. G. TRACY, Chairman *pro tem*.

Senator Tracy called up House bill No. 985, "An act supplementary to an act regulating taxation, passed at the present session of the Legislature."

The bill was read first time; rules suspended, read second time and passed to a third reading; rules further suspended, read third time and passed.

Senator Avinger called up House bill No. 983, "An act to amend the first section of an act entitled an act to muster into service minute men for the protection of the frontier, approved November 25, 1871."

The bill was read first time; rules suspended, read second time, and passed to third reading; rules further suspended, read third time and passed.

A message was received from the House, informing the Senate that the House had passed the following bills, viz.:

House bill No. 625, "An act for the relief of the heirs of Rev. John W. Kearney, deceased."

House bill No. 984, "An act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within three miles of Union Valley, Wilson county."

House bill No. 671, "An act to legalize certain locations in Nueces county."

House bill No. 635, "An act to incorporate the Carizo Bridge Company."

Senate bill No. 287, "An act to incorporate the Lake City Navigation Company, and to aid said company to improve the navigation of Big Cypress Bayou."

Senate bill No. 377, "An act to amend section second of an act concerning county seats, approved May 9, 1838."

Senate bill No. 235, "An act to incorporate the Paris Street Railway Company."

Senate bill No. 267, "An act to incorporate Tyler Chapter No. 24, Royal Arch Masons."

Substitute for Senate bill No. 281, "An act granting

pensions to the surviving veterans of the revolution which separated Texas from Mexico."

Senate bill No. 276, "An act to authorize the County Court of Kendall county to levy and collect a special tax to pay outstanding debts of said county."

Senate bill No. 278, "An act authorizing the County Court of Kendall county to have transcripts made of deeds, mortgages, judgments, etc., from records of counties of Bexar, Comal and Blanco."

Senate joint resolution authorizing the Governor to effect the removal of the Indians from the frontier of the State, and making an appropriation for that purpose."

Senate bill No. 390, "An act making an appropriation for the Supreme Court."

Senate bill No. 225, "An act to amend the twenty-second section of an act entitled an act to consolidate in one act and amend the several acts incorporating the town of Rusk, in Cherokee county."

Senate bill No. 245, "An act to authorize the sale of a portion of the public domain."

Senate bill No. 242, "An act for the relief of certain pre-emption settlers in Bandera county."

Senate bill No. 261, "An act to prevent the sale or gift of spirituous or intoxicating liquors within three miles of the Palo Pinto Institute, in Bell county."

Senate joint resolution, granting leave of absence to the Hon. Moses B. Walker, Justice of the Supreme Court, from the adjournment of the present term of the Supreme Court to the assembling of the next term of the same.

Senate bill No. 396, "An act supplementary to an act entitled an act to ascertain the amounts due teachers of the public free schools of this State, prior to the first day of March, 1873, and to provide for the payment of the same."

Senator Pyle called up House concurrent resolution relating to the payment of certain scholastic census takers. The question being on the adoption of the resolution, the same was put and adopted.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed:

Senate bill No. 407, "An act making an appropriation for postage, wood, porter hire and contingent expenses for the educational department for the year ending August 31, 1874."

Senate bill No. 290, "An act to authorize the County Court of Llano county to levy and collect a special tax to build a court house and jail."

HENRY C. KING, Chairman.

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: On behalf of your Committee on Enrolled Bills, I did, to-day at 4:40 o'clock P. M., present to his Excellency the Governor the following Senate bills, for his signature and approval, to-wit:

No. 360, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman."

No. 277, "An act to authorize the County Court of Mason county to issue interest-bearing bonds to pay the outstanding indebtedness of said county."

No. 210, "An act to change the line between the counties of Burnet and Lampasas."

No. 402, "An act supplementary to and explanatory of an act entitled an act to provide for the printing of the general laws of the State in the German and Spanish languages, passed at the present session of the Legislature."

J. G. TRACY, Chairman *pro tem.*

Senator Sayers called up his motion to reconsider the vote by which the Senate postponed the resolution offered by Senator Shelley, that the Senate resolve itself into a high court of impeachment, to try the impeachment case against Wm. Chambers, Judge of the First Judicial District.

Senator Tracy moved to lay the motion to reconsider on the table. Carried by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dohoney, Ford, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—16.

Nays—Senators Dillard, Finlay, Henry, King, Sayers, Shelley, Swift, Word and Mr. President—9.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed:

Senate bill No. 405, "An act to make an appropriation to pay the postage and traveling expenses of the supervisors of public free schools, appointed under act approved November 29, 1871."

HENRY C. KING, Chairman.

Senator Dillard submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Printing, to whom was referred a resolution requiring the secretary of the Senate to index and file the unfinished business of the Senate after adjournment, and to make out the index of the Senate journal, and to forward mail matter to the Senators after the adjournment, and continuing him in office for said purpose, have investigated the matter, and recommend the adoption of the resolution.

J. E. DILLARD, Chairman.

On motion of Senator Dillard the rules were suspended, the resolution taken up and adopted.

Senator Rawson called up House bill No. 635, "An act to incorporate Carizo Bridge and Ferry Company."

The bill was read first time; rules suspended, read second time; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dillard, Ford, Fountain, Franks, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Shelley, Swift, Tendick and Tracy—20.

Nay—Senator Word—1.

Senator Randle called up Senate bill No. 286, "An act for the relief of Benjamin C. Franklin."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Ball, Broughton, Cole, Dillard, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Swift, Tracy, Word and Mr. President—20.

Nays—Senators Avinger, Baker, Dohoney, Sayers and Shelley—5.

Senator Tracy, chairman *pro tem* of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills would respectfully report that they have examined and compared the following Senate bills, to-wit:

No. 86, "An act supplementary to and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871."

No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county."

No. 319, "An act for the relief of the heirs of James W. Dickson, deceased."

No. 289, "An act to incorporate the Hebrew Sinai Congregation."

And find the same correctly enrolled.

J. G. TRACY, Chairman *pro tem*.

Senator Sayers called up House substitute for Senate bill No. 281, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico." The bill was read first time.

Senator Finlay offered a substitute for the bill. Substitute adopted.

The bill as substituted was read second time; rules suspended, read third time and passed by the following vote:

Yeas—Senators Baker, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Henry, King, Pyle, Rawson, Randle Ruby, Saylor, Sayers, Shelley, Swift, Tracy, Word and Mr. President—24.

Nay—Senator Hall—1.

Senator Ruby called up Senate bill No. 401, "An act to incorporate the Texas Bridge Company."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Baker, Ball, Cole, Dillard, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tracy and Word—20.

Nay—Senator Dohoney—1.

Senator Saylor called up Senate joint resolution No. 28, proposing an amendment to article six, section one, of the State Constitution.

The resolution was read second time.

Senator Tracy moved to indefinitely postpone the resolution. Carried by the following vote:

Yeas—Senators Ball, Broughton, Cole, Dillard, Finlay, Henry, King, Rawson, Sayers, Shelley, Swift, Tracy, Word and Mr. President—14.

Nays—Senators Baker, Dohoney, Ford, Fountain, Franks, Gaines, Hall, Pyle, Randle, Ruby and Saylor—11.

Senator Sayers called up House bill No. 377, "An act to prohibit the sale of all intoxicating liquors within three miles of Bluffton School, in Llano county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Shelley introduced a bill to be entitled "An act to provide for obtaining the portraits of the Hon. John Hemphill, former Chief Justice, and the Hon. R. T. Wheeler, Associate Justice, and the late Thomas Green, clerk of the Supreme Court, and making an appropriation therefor."

The bill was read first time; rules suspended, bill read second time and ordered engrossed; rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Franks, Henry, King, Pyle, Randle, Saylor, Sayers, Shelley, Swift, Word and Mr. President—17.

Nays—Senators Ford, Gaines, Hall and Rawson—4.

Senator Swift called up House bill No. 836, "An act to regulate the fees of office."

The question being on the final passage of the bill, the same was put, and the Senate refused to pass the bill by the following vote:

Yeas—Senators Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Henry, King, Sayers, Swift, Word and Mr. President—12.

Nays—Senators Baker, Ford, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor, Shelley, Tensick and Tracy—14.

On motion of Senator Hall, the Senate adjourned to 9 o'clock A. M., to-morrow.